

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RAYMOND DALE MCVAY,

Plaintiff,

v.

WILL ZEBELL, KING COUNTY  
OFFICER JOHN DOE, JON OSLUND,  
MAC SETTER, RANDAL WATTS,  
DAVE MCEACHRAN, SWEDBARG,  
CHERYL SPRANGE, BOB  
FERGUSON, MARY BULLARD, TYRA  
FAYMOUS, and JOHN DOE,

Defendants.

CASE NO. 2:23-cv-01065

MINUTE ORDER DISMISSING CASE

The following Minute Order is made by direction of the Court, the Honorable  
Jamal N. Whitehead, United States District Judge:

On November 8, 2023, the Court denied Plaintiff Raymond McVay's request  
to serve the summons and complaint by certified mail only, and it allowed him "an  
additional 14 days ... to properly effect service under LCR 4(c) and Fed. R. Civ. P. 4  
and to file proof of service with the Court." Dkt. No. 18. The Court warned McVay

1 that failure to comply with the Court’s order would result in “dismissal without  
2 prejudice under Fed. R. Civ. P. 4(m) for failure to effect timely service.” *Id.*

3 Even though the Court denied his request to serve the Defendants by  
4 certified mail, McVay filed “proof of service by mailing,” which consisted of certified  
5 mail return receipts. Dkt. Nos. 18 at 3–6, 20 at 2–3. McVay does not attest under  
6 penalty of perjury to the contents of the mailings. *Id.* But he has not presented the  
7 summons to the clerk as required by LCR 4(a), so summonses could not have been  
8 included. *See generally* Dkt. McVay offers nothing else showing that he has  
9 completed proper service.

10 Accordingly, the Court DISMISSES McVay’s complaint without prejudice  
11 under Fed. R. Civ. P. 4(m) for failure to effect timely service.

12 Dated this 27th day of November 2023.

13 Ravi Subramanian

14 Clerk

15 /s/ Kathleen Albert

16 Deputy Clerk  
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